

3957. Adulteration and misbranding of gelatin. U. S. * * * v. 1 Barrel of Gelatin. Default decree of condemnation and forfeiture. Product ordered sold. (F. & D. No. 5790. I. S. No. 651-h. S. No. W-10.)

On July 3, 1914, the United States attorney for the District of Utah, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 1 barrel purporting to contain 241 pounds of gelatin, remaining unsold in the original package at Salt Lake City, Utah, alleging that the product had been shipped on or about June 1, 1914, and transported from the State of Illinois into the State of Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was labeled: "From Clarkson Gelatine Works, Chicago."

It was alleged in the libel that the product was misbranded and adulterated within the meaning of the Food and Drugs Act for the following reason, that is to say: (a) That the contents of said barrel were in fact an imitation of gelatin, and that other and foreign substances, to wit, arsenic, zinc, sugar, ash, and sodium bicarbonate, had been mixed and packed with and substituted for gelatin in such a manner as to reduce and lower the quality and strength thereof; but that said label failed to disclose that the contents of the barrel were an imitation of gelatin and that said barrel and its contents were offered for sale and sold under the distinctive name of gelatin. (b) That said barrel was falsely labeled and branded as aforesaid, in such manner as to mislead and deceive the purchaser thereof, for the reason that it was represented by said label, hereinbefore quoted, that the contents of the barrel were gelatin, whereas, in truth and in fact, the contents of the barrel consisted in part of an imitation of gelatin, and that said false label and brand were such as to mislead and deceive the purchaser into the belief that said barrel contained gelatin. (c) That said barrel, so labeled and branded as aforesaid, was actually represented to be and was shipped in interstate commerce as gelatin, whereas, in truth and in fact, the same was an imitation of gelatin. (d) That the contents of the barrel were adulterated within the meaning of said law, in that the product was an article of food which contained added poisonous and deleterious ingredients which might render such article injurious to health, to wit, arsenic, zinc, and copper in excessive quantities.

On February 1, 1915, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, it being found by the court that the article was misbranded and adulterated and was unfit by reason of being adulterated as aforesaid, by the addition thereto of certain deleterious and poisonous substances, for human consumption, but which, nevertheless, had a value in certain arts. It was therefore ordered that the barrel be so labeled and branded as correctly to designate the contents thereof, and should be sold by the United States marshal at public auction, it being provided that the notice of sale should designate the property as gelatin adulterated by the addition of deleterious and poisonous substances and unfit for human consumption as food.

CARL VROOMAN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., *July 1, 1915.*